



ORIGINAL
FILED

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RICHARD W. WIERING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Sm

E-FILING

4nd

7 Attorneys for Defendants The Walt Disney
 Company, Walt Disney Pictures, Disney Book
 8 Group, LLC, Pixar, and Disney Enterprises, Inc.

9

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 Deborah J. Thomas,

14 Plaintiff,

15 vs.

16 The Walt Disney Company, Walt Disney
 Studios, Disney Press, Pixar Animation
 17 Studios, Walt Disney Feature Animation, Walt
 Disney Pictures, Disney Enterprises, Inc., and
 18 DOES 1 through 100, Inclusive,

19 Defendants.

COPY 04392 MEJ
 CERTIFICATE OF SERVICE OF
 NOTICE TO ADVERSE PARTY OF
 REMOVAL TO FEDERAL COURT

21 Andrea Pallios Roberts certifies and declares as follows:

22 I am over the age of 18 years and not a party to this action.

23 My business address is 555 Twin Dolphin Drive, Suite 560, Redwood Shores, California
 24 94065.

25 On August 24, 2007, I provided to a messenger a copy of the Notice to Adverse Party of
 26 Removal to Federal Court dated August 24, 2007, a copy of which is attached to this Certificate,
 27 for personal service on plaintiff Deborah J. Thomas.

1 I certify under penalty of perjury that the foregoing is true and correct.
2 DATED: August 24, 2007
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4 By Andrea Pallios Roberts
5 Andrea Pallios Roberts
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 9 Redwood Shores, California 94065-2139
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 11 Facsimile: (650) 801-5100

2007 AUG 24 PM 3:11
 CHIEF CLERK
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SANTA CLARA
 BY DEPUTY
 L. QUACH-MARCELLANA

12 Attorneys for Defendants The Walt Disney
 13 Company, Walt Disney Pictures, Disney Book
 14 Group, LLC, Pixar, and Disney Enterprises, Inc.

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SANTA CLARA

17 Deborah J. Thomas,

18 CASE NO. 107 CV 086977

19 Plaintiff,

20 **NOTICE TO ADVERSE PARTY OF
 21 REMOVAL TO FEDERAL COURT**

22 vs.
 23 The Walt Disney Company, Walt Disney
 24 Studios, Disney Press, Pixar Animation
 25 Studios, Walt Disney Feature Animation, Walt
 26 Disney Pictures, Disney Enterprises, Inc., and
 27 DOES 1 through 100, Inclusive,

28 Defendants.

29 TO PLAINTIFF DEBORAH J. THOMAS AND HER ATTORNEYS OF RECORD:

30 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the

31 United States District Court for the Northern District of California, San Jose Division on August
 32 24, 2007.

33 A copy of said Notice of Removal is attached to this Notice, and is served and filed
 34 herewith.

1 DATED: August 24, 2007

2
3 QUINN EMANUEL URQUHART OLIVER &
4 HEDGES, LLP

5 By Claude M. Stern /APR
6 Claude M. Stern
7 Attorneys for Defendants The Walt Disney
8 Company, Walt Disney Pictures, Disney Book
9 Group, LLC, Pixar, and Disney Enterprises, Inc.
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JS 44 (Rev. 11/04)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Deborah J. Thomas

(b) County of Residence of First Listed Plaintiff Unknown
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Archie S. Robinson
Robinson & Wood, Inc.
227 North First Street
San Jose, CA 95113
(408) 298-7120

DEFENDANTS

The Walt Disney Company, Walt Disney Studios, Disney Press, Pixar Animation Studios, Walt Disney Feature Animation, Walt Disney Pictures, Disney Enterprises, Inc., and DOES 1 through 10

County of Residence of First Listed Defendant Los Angeles County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE OF LAND INVOLVED.

Attorneys (If Known)
Claude M. Stern (Bar No. 96737)
Quinn Emanuel Urquhart Oliver & Hedges
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
(650) 801-5000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury-Product Liability	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage-Product Liability	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 550 Securities/Commodities/Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 890 Other Statutory Actions	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 515 Habeas Corpus	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
V. ORIGIN	(Place an "X" in One Box Only)			
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)
				<input type="checkbox"/> 6 Multidistrict Litigation
				<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. section 301 et seq.

Brief description of cause: Plaintiff alleges copyright infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

SIGNATURE OF ATTORNEY OF RECORD

Claude M. Stern 1APR

DATE

August 24, 2007

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____

APPLYING IFF _____

JUDGE _____

MAG. JUDGE _____

NDC-JS44

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
 2 Claude M. Stern (Bar No. 96737)
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 4 Evette D. Pennypacker (Bar No. 203515)
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 13 Attorneys for Defendants The Walt Disney
 14 Company, Walt Disney Pictures, Disney Book
 15 Group, LLC, Pixar, and Disney Enterprises, Inc.

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

13 Deborah J. Thomas,	CASE NO.
14 Plaintiff,	DEFENDANTS' NOTICE OF REMOVAL
15 vs.	
16 The Walt Disney Company, Walt Disney	
17 Studios, Disney Press, Pixar Animation	
18 Studios, Walt Disney Feature Animation, Walt	
19 Disney Pictures, Disney Enterprises, Inc., and	
20 DOES 1 through 100, Inclusive,	
21	
22 Defendants.	

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**TO THE CLERK OF THE ABOVE-ENTITLED COURT, ALL PARTIES AND
 THEIR ATTORNEYS OF RECORD:**

22 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441, defendants The Walt
 23 Disney Company, Walt Disney Pictures (also sued as Walt Disney Studios and Walt Disney
 24 Feature Animation), Disney Book Group, LLC (sued as Disney Press), Pixar (sued as Pixar
 25 Animation Studios), and Disney Enterprises, Inc. (collectively "Defendants") hereby remove to
 26 the United States District Court for the Northern District of California, San Jose Division, the civil
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1 action styled *Deborah J. Thomas v. The Walt Disney Company, Walt Disney Studios, Disney*
 2 *Press, Pixar Animation Studios, Walt Disney Feature Animation, Walt Disney Pictures, Disney*
 3 *Enterprises, Inc., and DOES 1 through 100, Inclusive*, case no. 107CV085977, pending in the
 4 Superior Court of California, County of Santa Clara. In support of this removal, Defendants state
 5 as follows:

6 **Plaintiff's Complaint Alleging Unfair Competition Based on Copying of a Literary Work**

7 1. Plaintiff Deborah J. Thomas ("Plaintiff") filed a complaint against Defendants in
 8 the Superior Court of California, County of Santa Clara on May 29, 2007. Plaintiff served
 9 Defendants with the summons and complaint on July 27, 2007.

10 2. Plaintiff alleges that in the summer of 2000, she created an original literary work
 11 entitled "Squisher the Fish." (Ex. A, ¶ 11.) She claims she submitted this literary work to
 12 Defendants for the purpose of selling her work for use as a movie, published book, television
 13 show, game, or other commercial application. (*Id.*, ¶ 12.) According to Plaintiff's complaint,
 14 Defendants copied Plaintiff's literary work and incorporated it into the motion picture "Finding
 15 Nemo." (*Id.*, ¶ 14.) Plaintiff also claims that Defendants incorporated her work into a game
 16 entitled "Squisher." (*Id.*, ¶ 16.) Plaintiff alleges that neither "Finding Nemo" nor "Squisher"
 17 gives her credit for having been the author of the work that was copied by Defendants. (*Id.*, ¶ 19.)

18 3. A true and correct copy of the state court complaint and all process, pleadings and
 19 orders to date about which Defendants are aware, are attached hereto as Exhibit A.

20 **Jurisdiction: Removal is Proper Based on Copyright Preemption**

21 4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
 22 and 1338(a) because Plaintiff's complaint alleges claims which are entirely and comprehensively
 23 preempted under the laws of the United States, specifically the federal Copyright Act. See 28
 24 U.S.C. §1388(a) (federal courts have exclusive jurisdiction over copyright cases). Removal is
 25 proper where federal law preempts the state cause of action. See, e.g., Franchise Tax Board v.
 26 Construction Laborers Vacation Trust, 463 U.S. 1, 27-28 (1983).

27 5. Section 301 of the Copyright Act "expressly prohibits states from legislating in the
 28 area of copyright law." *Fleet v. CBS Inc.*, 50 Cal. App. 4th 1911, 1918 (1996); *see also* 17 U.S.C.

1 § 301(a); 28 U.S.C. § 1388(a) (federal courts have exclusive jurisdiction over copyright cases).
 2 Federal law of copyright "is the supreme law of the land. When state law touches upon the area of
 3 these federal statutes, it is 'familiar doctrine' that the federal policy 'may not be set at naught, or its
 4 benefits denied' by the state law." *Sears, Roebuck, & Co. v. Stiffel Co.*, 376 U.S. 225, 229
 5 (1964)(internal citations omitted).

6 6. A state law cause of action is preempted by the federal Copyright Act if (1) the
 7 rights that the plaintiff asserts under state law are "rights equivalent" to those protected by the
 8 Copyright Act and (2) the work involved falls within the "subject matter" of the Copyright Act.
 9 *Kodadek v. MTV Networks, Inc.*, 152 F.3d 1209, 1212 (9th Cir. 1998). Plaintiff may not
 10 circumvent federal jurisdiction by pleading her copyright infringement claim as arising under state
 11 law, because then "the preemption provision would be useless, and the policies behind a uniform
 12 Copyright statute would be silenced." *Daboub v. Gibbons*, 42 F.3d 285, 290 (5th Cir. 1995).

13 7. Although Plaintiff asserts her claims against Defendants under the guise of an
 14 unfair competition claim pursuant to California Business and Professions Code § 17200, her claim
 15 is based solely on rights equivalent to those protected by federal copyright laws. The Copyright
 16 Act grants rights "to reproduce the copyrighted work in copies," "to prepare derivative works
 17 based upon the copyrighted work," "to distribute copies . . . to the public," and "to display the
 18 copyrighted work publicly." *Kodadek*, 152 F.3d at 1213 (citing 17 U.S.C. § 106). Plaintiff alleges
 19 Defendants "*copied* Plaintiff's original work and incorporated it into a movie *created, produced,*
 20 *distributed and sold* by Defendants . . . entitled 'Finding Nemo.'" (Complaint, ¶ 14) (emphasis
 21 added). She further alleges Defendants "incorporated [her] original work into a game *created,*
 22 *marketed and sold* by Defendants . . . entitled 'Squisher.'" (*Id.*, ¶ 16)(emphasis added). And,
 23 according to Plaintiff, neither "Finding Nemo" nor "Squisher" "gives [her] credit for having been
 24 the author of the original work that was *copied* by Defendants . . . and incorporated into said
 25 movie and game." (*Id.*, ¶ 19) (emphasis added). These are classic copyright allegations. Plaintiff
 26 cannot avoid preemption under the Copyright Act by making such allegations under the guise of
 27 an unfair competition claim under California Business and Professions Code section 17200 —
 28 Plaintiff's claim is preempted by the Copyright Act. *See, e.g., Kodadek*, 152 F.3d at 1213 (holding

1 that claim of violation of Bus. & Prof. Code § 17200 was preempted by federal copyright law);
 2 *Goldberg v. Cameron*, 482 F. Supp. 2d 1136 (N.D. Cal. 2007) (holding that an unfair competition
 3 claim based solely on misappropriation of copyrighted work was preempted by the Copyright
 4 Act); *Aagard v. Palomar Builders, Inc.*, 344 F. Supp. 2d 1211 (E.D. Cal. 2004) (same); *Smith &*

5 *Hawkin, Ltd. v. Gardendance, Inc.*, 2004 WL 2496163, * 4 (N.D. Cal. 2004) (same).

6 8. Plaintiff's allegations do not include any additional elements over and above her
 7 copyright infringement claim. For example, Plaintiff does not allege that she had a confidential or
 8 contractual relationship with Defendants that was breached. Nor does Plaintiff allege Defendants
 9 knew Plaintiff expected to be paid for her submission of her work. In fact, it appears that Plaintiff
 10 did not even communicate with Defendants prior to submitting "Squisher the Fish." Plaintiff
 11 alleges only that she "submitted said literary work to Defendants, and each of them, for the
 12 purpose of selling her work for use as a movie, published book, television show, game or other
 13 commercial application," and that Defendants copied that work. (Complaint, ¶¶ 12,14, 16, 19.)

14 9. Not only are the rights that Plaintiff asserts under state law "rights equivalent" to
 15 those protected by the Copyright Act, but Plaintiff's alleged work falls also within the "subject
 16 matter" of the Copyright Act. *See* 17 U.S.C. § 102(a). Plaintiff claims that Defendants copied her
 17 original literary work. (Ex A, ¶¶ 12,14, 16, 19.) The Copyright Act protects literary works fixed
 18 in a tangible medium of expression from which they can be perceived, reproduced or otherwise
 19 communicated. 17 U.S.C. § 102(a). Because Plaintiff alleges that Defendants "kept and
 20 reviewed" her "original literary work" from April 6, 2001 through June 22, 2001, Plaintiff's
 21 alleged work falls within the "subject matter" of the Copyright Act. (Ex. A, ¶¶ 11-13.)

22 10. Based on the above, Plaintiff's complaint asserts rights equivalent to those
 23 protected by the Copyright Act and her alleged original literary work falls within the "subject
 24 matter" of the Copyright Act. Thus, her state law cause of action is preempted by the federal
 25 Copyright Act. *Kodadek*, 152 F.3d 1209. As such, Plaintiff's claims are removable. *See*
 26 *Franchise Tax Board*, 463 U.S. at 23-24.

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Removal is Timely

11. On July 27, 2007, Plaintiff served each of the Defendants with a summons and her state court complaint.

12. Defendants' removal is timely pursuant to 28 U.S.C. § 1446(b) because the removal is not beyond 30 days after service of the summons and the complaint.

13. Defendants have not yet responded to Plaintiff's complaint, and their response is not yet due. No further pleadings have been filed by the parties and no orders have been entered by the Superior Court beyond setting a case management conference.

Intra-district Assignment: Removal to This Court is Proper

14. Because the United States District Court for the Northern District of California, San Jose Division embraces the place where Plaintiff's action was pending, this action is properly removed to this Court pursuant to 28 U.S.C. § 1441(a). Civil Local Rule 3-2(e).

13 15. All other procedural requirements for removal have been satisfied. This notice of
14 removal is accompanied by a true and correct copy of all pleadings and orders on file in the
15 Superior Court. 28 U.S.C. § 1446(a). A notice of filing of removal, with a copy of this notice of
16 removal attached, is being served on Plaintiff and filed with the Superior Court. 28 U.S.C. §
17 1446(d).

18 16. All Defendants were served with Plaintiff's state court complaint and consent to
19 removal.

17. Defendants demand a jury trial of Plaintiff's copyright infringement claim.

DATED: August 24, 2007

QUINN EMANUEL URQUHART OLIVER & HEDGES LLP

By Claude M. Stern 1 APR
Claude M. Stern
Attorneys for Defendants The Walt Disney
Company, Walt Disney Pictures, Disney Book
Group, LLC, Pixar, and Disney Enterprises, Inc.

Certification of Interested Entities or Persons

2 Pursuant to Civil Local Rule 3-16, the undersigned certifies that the following listed
3 persons, associations of persons, firms, partnerships, corporations (including parent corporations)
4 or other entities (i) have a financial interest in the subject matter in controversy or in a party to the
5 proceeding, or (ii) have a non-financial interest in the subject matter or in a party that could be
6 substantially affected by the outcome of this proceeding:

7 Disney Book Group, LLC: dba of Defendant Disney Press

9 | DATED: August 24, 2007

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By Claude M. Stein

Claude M. Stern

Claude M. Stern
Attorneys for Defendants The Walt Disney
Company, Walt Disney Pictures, Disney Book
Group, LLC, Pixar, and Disney Enterprises, Inc.

EXHIBIT A

1 Archie S. Robinson, Esq. [SBN 34789]
2 ROBINSON & WOOD, INC.
227 North First Street
3 San Jose, CA 95113
Telephone: 408/298-7120
Facsimile: 408/298-0477

4 Attorneys for Plaintiff
5 DEBORAH J. THOMAS

6 (ENDORSED)
7 FILED
8 MAY 29 2007

9 KIRK CLARK
10 Chief Clerk
11 Superior Court of the County of Santa Clara
12 BY _____ DEPUTY

13 Clark Sakai

14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

15 DEBORAH J. THOMAS

16 Plaintiff,

17 vs.

18 THE WALT DISNEY COMPANY, WALT
19 DISNEY STUDIOS, DISNEY PRESS,
20 PIXAR ANIMATION STUDIOS, WALT
21 DISNEY FEATURE ANIMATION, WALT
22 DISNEY PICTURES, DISNEY
23 ENTERPRISES, INC. and DOES 1
24 through 100, Inclusive,

25 Defendants.

107CV086977

26 No.

27 COMPLAINT FOR RELIEF UNDER
28 CALIFORNIA BUSINESS AND
PROFESSION CODE § 17200, et seq.

29 Complaint Filed: May 29, 2007

30 Plaintiff complaints of defendants, and each of them, as follows:

31 1. Plaintiff Deborah J. Thomas is a resident of the State of Florida.

32 2. Defendant THE WALT DISNEY COMPANY, is a corporation, licensed to do
33 business in the State of California, and doing business in the County of Santa Clara.

34 3. Defendant WALT DISNEY STUDIOS, is a corporation, licensed to do
35 business in the State of California, and doing business in the County of Santa Clara.

36 4. Defendant DISNEY PRESS, is a corporation, licensed to do business in the
37 State of California, and doing business in the County of Santa Clara.

38 5. Defendant PIXAR ANIMATION STUDIOS, is a corporation, licensed to do
39 business in the State of California, and doing business in the County of Santa Clara.

1 6. Defendant WALT DISNEY FEATURE ANIMATION, is a corporation,
2 licensed to do business in the State of California, and doing business in the County of Santa
3 Clara.

4 7. Defendant WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC., is a
5 corporation, licensed to do business in the State of California, and doing business in the
6 County of Santa Clara.

7 8. The true names and capacities of Defendants who are sued herein as Does 1
8 through 100, inclusive, whether individual, associate, or otherwise, are unknown to Plaintiff
9 at this time, and therefore, Plaintiff sues such fictitiously named Defendants by such
10 fictitious names and capacities. Each of the Defendants designated herein by fictitious
11 names is, in some manner, responsible for the events and happenings referred to herein, and
12 caused damage proximately and foreseeably thereby, whether such responsibility was
13 negligent, intentional or otherwise. Plaintiffs will seek leave of this Court to amend this
14 complaint with respect to the true names and capacities of such Defendants when such
15 fictitiously named Defendants have been ascertained with reasonable certainty.

16 9. Upon information and belief, each of the Defendants was acting as the agent,
17 servant and employee of the remaining Defendants and was acting within the course and
18 scope of such agency and employment, with the knowledge, permission, and consent of
19 each other and of the remaining Defendants, and for the benefit of all or one or more of the
20 Defendants.

21 10. Upon information and belief, when the Defendants perpetrated some or all of
22 the acts, conduct and omissions herein alleged, each of them individually, or through their
23 authorized agents, servants, employees, or both, knew of such acts, conduct and omissions,
24 and/or knowingly ratified, and/or knowingly participated in, and/or knowingly authorized,
25 and/or knowingly acquiesced in, and/or aided or abetted, and/or knowingly accepted the
26 benefits of the same. Upon information and belief, by reason of the foregoing, the
27 Defendants are, and were, jointly and severally liable to Plaintiff for such damages suffered
28 as alleged herein and are further jointly and severally liable to Plaintiff for any other

1 11. In the summer of 2000, Plaintiff created an original literary work entitled
 2 "Squisher the Fish."

3 12. On or about April 6, 2001, Plaintiff submitted said literary work to
 4 Defendants, and each of them, for the purpose of selling her work for use as a movie,
 5 published book, television show, game or other commercial application.

6 13. Defendants, and each of them, kept and reviewed Plaintiff's said original work
 7 until approximately June 22, 2001.

8 14. During the time Defendants had possession of Plaintiff's said original work,
 9 Defendants, and each of them, copied Plaintiff's said original work and incorporated it into
 10 a movie created, produced, distributed and sold by Defendants, and each of them, entitled
 11 "Finding Nemo."

12 15. The movie, "Finding Nemo", was first released and shown to the public by
 13 Defendants, and each of them, on May 30, 2003.

14 16. After May 30, 2003, Defendants, and each of them, incorporated Plaintiff's
 15 original work into a game created, marketed and sold by Defendants, and each of them,
 16 entitled "Squisher."

17 17. On information and belief, Plaintiff alleges that since its release, the movie,
 18 "Finding Nemo," has enjoyed substantial popularity and commercial success, achieving
 19 gross receipts of nearly \$1 billion and profits in the hundreds of millions of dollars to date.

20 18. On information and belief, Plaintiff alleges that Defendants, and each of
 21 them, continue to receive substantial revenues and profits from the sale of DVD copies of
 22 the movie, "Finding Nemo," and from the sale of the game, "Squisher."

23 19. Neither the movie, "Finding Nemo," nor the game, "Squisher," gives Plaintiff
 24 credit for having been the author of the original work that was copied by Defendants, and
 25 each of them, and incorporated into said movie and game, respectively.

26 20. Plaintiff files this action to challenge and to remedy the business practices of
 27 Defendants, and each of them. California Business & Professions Code §17200 et seq.,

28 ///

1 often referred to as the "Unfair Competition Law," defines unfair competition to include
 2 any unlawful, unfair, or fraudulent business act or practice.

3 21. The business acts and practices of Defendants, and each of them, as herein
 4 alleged, constitute unfair competition, as defined in California Business & Professions
 5 Code § 17200, et seq., in that Defendants' said acts and practices deprived Plaintiff of the
 6 credit and a share of the profits received by Defendants, and each of them, to which she was
 7 entitled as the creator and author of the work that was copied by Defendants, and each of
 8 them, and incorporated into the movie, "Finding Nemo," and the game, "Squisher."

9 22. The business acts and practices of Defendants, and each of them, as alleged,
 10 offend public policy and are unfair and wrongful in that they unlawfully misappropriated
 11 Plaintiff's talent and workmanship to their own selfish gain.

12 23. The business acts and practices of Defendants, and each of them, as alleged,
 13 constitute fraudulent business practices in that said acts and practices intentionally
 14 deceived the public as to the true authorship of the story upon which the movie, "Finding
 15 Nemo," and the game, "Squisher," are based.

16 24. The unlawful, unfair and fraudulent business acts and practices of Defendants,
 17 and each of them, as alleged, present a continuing threat in that Defendants continue to sell
 18 DVDs of the movie, "Finding Nemo," and the game, "Squisher," and will persist and continue
 19 to do so unless and until enjoined by this Court.

20 25. Pursuant to California Business & Professions Code §17203, Plaintiff seeks
 21 such orders or judgments as may be necessary to prevent any person from engaging in any
 22 practice which constitutes unfair competition, as defined in the unfair competition law, or
 23 as may be necessary to restore to Plaintiff and to prevent retention by Defendants, or any of
 24 them, of any money or property unlawfully acquired by means of such unfair competition.

25 26. Pursuant to California Code of Civil Procedure §1021.5, plaintiff seeks
 26 recovery of her attorneys' fees, costs and expenses incurred in the filing and prosecution of
 27 this action.

28 ///

1 WHEREFORE, Plaintiff prays for relief as follows:

2 1. For injunctive relief preventing the sale of DVD copies of the movie,
3 "Finding Nemo," or copies of the game, "Squisher," which do not give
4 Plaintiff credit as the author of the story upon which said movie and game,
5 respectively, are based;

6 2. For disgorgement of all profits obtained by Defendants from the distribution
7 or sale of the movie, "Finding Nemo," and the game, "Squisher," to which
8 Plaintiff was reasonably entitled as the author of the story upon which said
9 movie and game, respectively, are based;

10 3. For Plaintiff's attorneys' fees and costs;

11 4. For prejudgment interest on the profits disgorged;

12 5. And for such other relief as the Court may find appropriate.

14 Dated: May 29, 2007

15 ROBINSON & WOOD, INC.

16 By 

17 ARCHIE S. ROBINSON
18 Attorneys for Plaintiff
19 DEBORAH J. THOMAS

SUMMONS ON COMPLAINT
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:

AVISO AL DEMANDADO:

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY
PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE
ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES,
INC.

ND DOES 1-100

YOU ARE BEING SUED BY PLAINTIFF:

O ESTÁ DEMANDANDO EL DEMANDANTE:

EBORAH J. THOMAS

DET

7/27/07 9:22AM

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

(ENDORSED)

FILED

MAY 29 2007

KIRI TORPE

Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Clark Sakai

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

Nombre y dirección de la corte es:
SUPERIOR COURT OF SANTA CLARA COUNTY
91 N. FIRST STREET
SAN JOSE, CA 95113

CASE NUMBER:
(Número de Caso)

107CV08697

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

Nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es:
Archie S. Robinson, Esq. [SBN 34789]

408/298-7120 408/298-0477

OBINSON & WOOD, INC.,
27 North First Street
San Jose, CA 95113

Clark Sakai

DATE:

(fecha)

MAY 29 2007

Clerk, by _____, Deputy
(Secretario) (Adjunto)

or proof of service of this summons, use Proof of Service of Summons (form POS-010).)

Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

SEAL

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
M.C.
- on behalf of (specify): **WALT DISNEY ENTERPRISES, INC.**

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

- by personal delivery on (date):

Legal
Solutions
Co. Plus

7/27/07
Page 1 of 1
Code of Civil Procedure §§ 412.20, 465

SUMMONS

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Archie S. Robinson, Esq. [SBN 34789] ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113</p> <p>TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477</p> <p>ATTORNEY FOR (Name): DEBORAH J. THOMAS</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL</p> <p>CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.</p>	<p>CM-010</p> <p>FOR COURT USE ONLY</p> <p>(ENDORSED) FILED MAY 29 2007 KIRI TORRE Chief Deputy Clerk Superior Court of CA County of Santa Clara BY DEPUTY Clark Selcei 107CV086977</p>						
<p>CIVIL CASE COVER SHEET</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; vertical-align: top;"> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> <td style="width: 33%; vertical-align: top;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> <td style="width: 33%; vertical-align: top;"> CASE NUMBER: Clark Selcei JUDGE: DEPT: </td> </tr> </table> <p><i>Items 1-5 below must be completed (see instructions on page 2).</i></p> <p>1. Check one box below for the case type that best describes this case:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; vertical-align: top;"> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) </td> <td style="width: 33%; vertical-align: top;"> Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) </td> <td style="width: 33%; vertical-align: top;"> Provisionally Complex Civil Litigation (Cal. 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If the case is complex, mark the factors requiring exceptional judicial management:</p> <p>a. <input type="checkbox"/> Large number of separately represented parties d. <input type="checkbox"/> Large number of witnesses</p> <p>b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court</p> <p>c. <input type="checkbox"/> Substantial amount of documentary evidence f. <input type="checkbox"/> Substantial postjudgment judicial supervision</p> <p>3. Type of remedies sought (check all that apply):</p> <p>a. <input checked="" type="checkbox"/> monetary b. <input checked="" type="checkbox"/> nonmonetary; declaratory or injunctive relief c. <input type="checkbox"/> punitive</p> <p>4. Number of causes of action (specify): <input type="checkbox"/></p> <p>5. This case <input type="checkbox"/> is <input checked="" type="checkbox"/> is not a class action suit.</p> <p>6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)</p> <p>Date: 5/29/2007</p> <p>Archie S. Robinson, Esq. <small>(TYPE OR PRINT NAME)</small></p> <p>(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)</p>		<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. 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NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

ATTACHMENT A

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

CASE NUMBER:

107CV086977

READ THIS ENTIRE FORM

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint, Summons, an Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): You must do each of the following to protect your rights:

1. You must file a written response to the *Complaint*, in the clerk's office of the Court, within 30 days of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: www.sccsuperiorcourt.org/civil/rule1toc.htm
- Rose Printing, 49 N. First St., San Jose (408-293-8177)

For other local information, visit the Court's Self-Service website www.scselfservice.org and select "Civil."

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC. You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Kevin McKenney DEPT: 16

The first CMC is scheduled as follows: (Completed by Clerk of Court)

Date: OCT - 9 2008 Time: 2:15 PM Dept.: 16

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)

Date: Time: Dept:

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an *ADR Status Conference*. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2156) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION**

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- < **ADR can save time.** A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- < **ADR can save money.** Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- < **ADR provides more participation.** Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- < **ADR provides more control and flexibility.** Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- < **ADR can reduce stress.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- < **Mediation** is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.

Mediation may be appropriate when:

- < The parties want a non-adversary procedure
- < The parties have a continuing business or personal relationship
- < Communication problems are interfering with a resolution
- < There is an emotional element involved
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

< **Arbitration** is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
- < Only monetary damages are sought
- < Witness testimony, under oath, is desired
- < An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

< **Neutral evaluation** is an informal process in which a neutral party (the evaluator) reviews the case with counsel and gives a non-binding assessment of the strengths and weaknesses on each side and the likely outcome. The neutral can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

Neutral evaluation may be appropriate when:

- < The parties are far apart in their view of the law or value of the case
- < The case involves a technical issue in which the evaluator has expertise
- < Case planning assistance would be helpful and would save legal fees and costs
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

< **Special masters and referees** are neutral parties who may be appointed by the court to obtain information or to make specific fact findings that may lead to a resolution of a dispute.

Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

< **Settlement conferences** are informal processes in which the neutral (a judge or an experienced attorney) meets with the parties or their attorneys, hears the facts of the dispute, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations.

Settlement conferences can be effective when the authority or expertise of the judge or experienced attorney may help the parties reach a resolution.

What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, for information about ADR procedures, or for other questions about ADR?

Contact:

Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

SUITIONS ON COMPLAINT
(CITACION JUDICIAL)NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC.

AND DOES 1-100
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
DEBORAH J. THOMAS

TWDC 7/27/07 9:23am

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)(ENDORSED)
FILED

MAY 29 2007

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Clark Sakai

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

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The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF SANTA CLARA COUNTY
191 N. FIRST STREET
SAN JOSE, CA 95113CASE NUMBER:
(Número de caso):

107CV086977

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Archie S. Robinson, Esq. [SBN 34789] 408/298-7120 408/298-0477

ROBINSON & WOOD, INC.,

227 North First Street

San Jose, CA 95113

DATE:

MAY 29 2007

(Fecha)

Clerk, by _____ Deputy _____
(Secretario) (Adjunto)

Clark Sakai

Kiri Torre

Chief Executive Officer/Clerk

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify): THE WALT DISNEY COMPANY

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):Legal
Solutions
Plus

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Archie S. Robinson, Esq. [SBN 34789] ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113	
TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477	
ATTORNEY FOR (Name): DEBORAH J. THOMAS	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL	
CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.	

FOR COURT USE ONLY

(ENDORSED)

FILED

MAY 29 2007

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of California, County of Santa Clara

BY **DEPUTY**CASE NUMBER: **Clark Sakai**

JUDGE:

DEPT:

107CV086977

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
 Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

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 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
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Wrongful termination (36)
 Other employment (15)

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Breach of contract/warranty (06)
 Collections (09)
 Insurance coverage (18)
 Other contract (37)

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Eminent domain/inverse condemnation (14)
 Wrongful eviction (33)
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Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
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Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
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 Securities litigation (28)
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 Insurance coverage claims arising from the above listed provisionally complex case types (41)

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Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): **1**5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/29/2007

Archie S. Robinson, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

ATTACHMENT A

CASE NUMBER:

107CV086977**READ THIS ENTIRE FORM**

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint, Summons, an Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): You must do each of the following to protect your rights:

1. You must file a written response to the *Complaint*, in the clerk's office of the Court, within 30 days of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: www.sccsuperiorcourt.org/civil/rule1toc.htm
- Rose Printing, 49 N. First St., San Jose (408-293-8177)

For other local information, visit the Court's Self-Service website www.sccselfservice.org and select "Civil."

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC. You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Kevin McKenney DEPT: 16

The first CMC is scheduled as follows: (Completed by Clerk of Court)

Date: OCT - 9 2007 Time: 2:15 PM Dept.: 16

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)

Date: _____ Time: _____ Dept: _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an *ADR Status Conference*. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the *ADR Administrator* (408-882-2100 x-2156) for a list of *ADR providers* and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION**

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- < **ADR can save time.** A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- < **ADR can save money.** Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- < **ADR provides more participation.** Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- < **ADR provides more control and flexibility.** Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- < **ADR can reduce stress.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- < **Mediation** is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.

Mediation may be appropriate when:

- < The parties want a non-adversary procedure
- < The parties have a continuing business or personal relationship
- < Communication problems are interfering with a resolution
- < There is an emotional element involved
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

- < Arbitration is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
- < Only monetary damages are sought
- < Witness testimony, under oath, is desired
- < An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

- < **Neutral evaluation** is an informal process in which a neutral party (the evaluator) reviews the case with counsel and gives a non-binding assessment of the strengths and weaknesses on each side and the likely outcome. The neutral can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

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Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

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What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice; and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

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Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

WDS 7/27/07 9:23AM

SUMMONS ON COMPLAINT
(CITACION JUDICIAL)NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC.

AND DOES 1-100
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
DEBORAH J. THOMAS

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

(ENDORSED)

FILED

MAY 29 2007

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Clark Sakai

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The name and address of the court is:

(El nombre y dirección de la corte es):
SUPERIOR COURT OF SANTA CLARA COUNTY
191 N. FIRST STREET
SAN JOSE, CA 95113

CASE NUMBER:
(Número de la causa)

107CV086977

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Archie S. Robinson, Esq. [SBN 34789] 408/298-7120 408/298-0477

ROBINSON & WOOD, INC.,
227 North First Street
San Jose, CA 95113

DATE:

MAY 29 2007

(Fecha)

Clerk, by _____, Deputy _____
Kiri Torre, Chief Executive Officer/Clerk (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):

- on behalf of (specify): WALT DISNEY STUDIOS

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

- by personal delivery on (date): 7/27/07

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Archie S. Robinson, Esq. [SBN 34789] ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113		FOR COURT USE ONLY
TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477 ATTORNEY FOR (Name): DEBORAH J. THOMAS		(ENDORSED) FILED MAY 29 2007 KIRI TOPRE Chief Prob. & Civil Ct. Clerk Superior Court of CA, County of Santa Clara BY Clark Sakai DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: 107CV086977 JUDGE: DEPT:		

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

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Provisionally Complex Civil Litigation

(Cal. Rules of Court, rules 3.400-3.403)

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 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses

b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/29/2007

Archie S. Robinson, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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ATTACHMENT A

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

CASE NUMBER: _____

107CV086977

READ THIS ENTIRE FORM

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RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
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For other local information, visit the Court's Self-Service website www.sccselfservice.org and select "Civil."

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC. You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Kevin McKenney DEPT: 16

The first CMC is scheduled as follows: (Completed by Clerk of Court)

Date: OCT - 9 2008 Time: 2:15 PM Dept: 16

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)

Date: _____ Time: _____ Dept: _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an *ADR Status Conference*. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2156) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION**

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- < ADR can save time. A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- < ADR can save money. Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- < ADR provides more participation. Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- < ADR provides more control and flexibility. Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- < ADR can reduce stress. ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- < **Mediation** is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.

Mediation may be appropriate when:

- < The parties want a non-adversary procedure
- < The parties have a continuing business or personal relationship
- < Communication problems are interfering with a resolution
- < There is an emotional element involved
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

< **Arbitration** is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
- < Only monetary damages are sought
- < Witness testimony, under oath, is desired
- < An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

< **Neutral evaluation** is an informal process in which a neutral party (the evaluator) reviews the case with counsel and gives a non-binding assessment of the strengths and weaknesses on each side and the likely outcome. The neutral can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

Neutral evaluation may be appropriate when:

- < The parties are far apart in their view of the law or value of the case
- < The case involves a technical issue in which the evaluator has expertise
- < Case planning assistance would be helpful and would save legal fees and costs
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

< **Special masters and referees** are neutral parties who may be appointed by the court to obtain information or to make specific fact findings that may lead to a resolution of a dispute.

Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

< **Settlement conferences** are informal processes in which the neutral (a judge or an experienced attorney) meets with the parties or their attorneys, hears the facts of the dispute, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations.

Settlement conferences can be effective when the authority or expertise of the judge or experienced attorney may help the parties reach a resolution.

What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice; and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, for information about ADR procedures, or for other questions about ADR?

Contact:

Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

SUMMONS ON COMPLAINT
(CITACION JUDICIAL)NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC.

AND DOES 1-100
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
DEBORAH J. THOMAS

DP 7/27/07 9:23 AM

SUM-100

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)	
(ENDORSED)	
F I L E D	
MAY 29 2007	
KIRI TORRE Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara BY _____ DEPUTY	

Clark Sakai

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):
SUPERIOR COURT OF SANTA CLARA COUNTY
191 N. FIRST STREET
SAN JOSE, CA 95113

CASE NUMBER:
(Número de caso)

107CV086977

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Archie S. Robinson, Esq. [SBN 34789] 408/298-7120 408/298-0477

ROBINSON & WOOD, INC.,
227 North First Street
San Jose, CA 95113

DATE: MAY 29 2007
(Fecha)

Clerk, by _____ Deputy
Kiri Torre Chief Executive Officer/Clerk (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.

2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify): DISNEY PRESS

under:	<input checked="" type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
	<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
	<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
	<input type="checkbox"/> other (specify):	

4. by personal delivery on (date): 7/27/07

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name) Archie S. Robinson, Esq. [SBN 34789]		Bar number, and address: ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113	CM-010
TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477		FOR COURT USE ONLY	
ATTORNEY FOR (Name): DEBORAH J. THOMAS		(ENDORSED)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL		FILED MAY 29 2007 KIRI TORRE Chief Assistant Clerk, Clerk Superior Court of CA, County of Santa Clara BY DEPUTY	
CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: Clark Sakai
JUDGE: DEPT: 107GV086977			

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of Judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- Large number of separately represented parties
- Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- Substantial amount of documentary evidence
- Large number of witnesses
- Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

- monetary
- nonmonetary; declaratory or injunctive relief
- punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/29/2007

Archie S. Robinson, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

ATTACHMENT A

CASE NUMBER:

107CV086977

READ THIS ENTIRE FORM

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint, Summons, an Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): You must do each of the following to protect your rights:

1. You must file a written response to the *Complaint*, in the clerk's office of the Court, within 30 days of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

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Your Case Management Judge is: Kevin McKenney DEPT: 16

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Date: OCT - 9 2007 Time: 2:15 PM Dept: 16

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)

Date: Time: Dept:

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2156) for a list of ADR providers and their qualifications, services, and fees.

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ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION**

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What are the main forms of ADR offered by the Court?

- < Mediation is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.

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- < There is an emotional element involved
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-over-

< Arbitration is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

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Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

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Contact:

Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

**SUMMONS ON COMPLAINT
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT:**(AVISO AL DEMANDADO):**

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC.

AND DOES 1-100

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

DEBORAH J. THOMAS

PAS 7/27/07 9:12 AM

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

(ENDORSED)

FILED

MAY 29 2007

KIRI TORRE

Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Clark Sakai

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF SANTA CLARA COUNTY
191 N. FIRST STREET
SAN JOSE, CA 95113

CASE NUMBER:

107CV086977

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Archie S. Robinson, Esq. [SBN 34789] 408/298-7120 408/298-0477ROBINSON & WOOD, INC.,
227 North First Street
San Jose, CA 95113

DATE:

MAY 29 2007

Clerk, by _____, Deputy
(Secretary) _____, Deputy
(Adjunto) _____

(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).**NOTICE TO THE PERSON SERVED:** You are served1. as an individual defendant.2. as the person sued under the fictitious name of (specify):3. on behalf of (specify): PIXAR ANIMATION STUDIOS

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):Legal
Solutions
Plus

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Archie S. Robinson, Esq. [SBN 34789] ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113		CM-010
TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477 ATTORNEY FOR (Name): DEBORAH J. THOMAS		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL		(ENDORSED) FILED MAY 29 2007 KIRI TOPRE Chief Executive Officer/Clerk Superior Court of California, County of Santa Clara BY DEPUTY
CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joiner Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: Clark Seikel JUDGE: DEPT: 107GV086977		

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30). <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of Judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- Large number of separately represented parties
- Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- Substantial amount of documentary evidence
- Large number of witnesses
- Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

- monetary
- nonmonetary; declaratory or injunctive relief
- punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/29/2007

Archie S. Robinson, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

ATTACHMENT A

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

CASE NUMBER: _____

107CV086977**READ THIS ENTIRE FORM**

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint, Summons, an Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): You must do each of the following to protect your rights:

1. You must file a **written response** to the *Complaint*, in the clerk's office of the Court, within 30 days of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: www.sccsuperiorcourt.org/civil/rule1toc.htm
- Rose Printing, 49 N. First St., San Jose (408-293-8177)

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CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC. You or your attorney must appear at the CMC. You may ask to appear by telephone -- see Local Civil Rule 8.

Your Case Management Judge is: Kevin McKenney DEPT: 16

The first CMC is scheduled as follows: (Completed by Clerk of Court)

Date: OCT - 9 2007 Time: 2:15 PM Dept.: 16

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)

Date: _____ Time: _____ Dept.: _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an *ADR Status Conference*. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2156) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION**

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- < **ADR can save time.** A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- < **ADR can save money.** Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- < **ADR provides more participation.** Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- < **ADR provides more control and flexibility.** Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- < **ADR can reduce stress.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- < **Mediation** is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.

Mediation may be appropriate when:

- < The parties want a non-adversary procedure
- < The parties have a continuing business or personal relationship
- < Communication problems are interfering with a resolution
- < There is an emotional element involved
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

< Arbitration is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
- < Only monetary damages are sought
- < Witness testimony, under oath, is desired
- < An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

< Neutral evaluation is an informal process in which a neutral party (the evaluator) reviews the case with counsel and gives a non-binding assessment of the strengths and weaknesses on each side and the likely outcome. The neutral can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

Neutral evaluation may be appropriate when:

- < The parties are far apart in their view of the law or value of the case
- < The case involves a technical issue in which the evaluator has expertise
- < Case planning assistance would be helpful and would save legal fees and costs
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

< Special masters and referees are neutral parties who may be appointed by the court to obtain information or to make specific fact findings that may lead to a resolution of a dispute.

Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

< Settlement conferences are informal processes in which the neutral (a judge or an experienced attorney) meets with the parties or their attorneys, hears the facts of the dispute, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations.

Settlement conferences can be effective when the authority or expertise of the judge or experienced attorney may help the parties reach a resolution.

What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice; and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, for information about ADR procedures, or for other questions about ADR?

Contact:

Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

SUMMONS ON COMPLAINT
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC.

AND DOES 1-100

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

DEBORAH J. THOMAS

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

(ENDORSED)

FILED

MAY 29 2007

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Clark Sakai

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):
SUPERIOR COURT OF SANTA CLARA COUNTY
191 N. FIRST STREET
SAN JOSE, CA 95113

CASE NUMBER:
(Número del Caso)

107CV086977

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Archie S. Robinson, Esq. [SBN 34789] 408/298-7120 408/298-0477

ROBINSON & WOOD, INC.,
227 North First Street
San Jose, CA 95113

Clark Sakai

DATE:

MAY 29 2007

Clerk, by _____ Deputy _____
(Secretario) (Adjunto)

(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):

- on behalf of (specify): WALT DISNEY FEATURE ANIMATION

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

- by personal delivery on (date):

7/27/07
Page 1 of 1
Code of Civil Procedure §§ 412.20, 465

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Archie S. Robinson, Esq. [SBN 34789] ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113		CM-010
TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477 ATTORNEY FOR (Name): DEBORAH J. THOMAS		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL		(ENDORSED) FILED MAY 29 2007 KIRI TORRE Chief Deputy Clerk of the Clerk Superior Court of California, County of Santa Clara BY DEPUTY
CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CASE NUMBER: Clark Sakai JUDGE: DEPT: 107CV086977		

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Auto (22)	<input type="checkbox"/> Breach of contract/warranty (06)	<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Collections (09)	<input type="checkbox"/> Construction defect (10)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Asbestos (04)	<input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Securities litigation (28)
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<input checked="" type="checkbox"/> Business tort/unfair business practice (07)	Unlawful Detainer	Enforcement of Judgment
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Other employment (15)		

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
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Date: 5/29/2007

Archie S. Robinson, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

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Date: OCT - 9 2009 Time: 2:15 PM Dept: 16

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INFORMATION SHEET / CIVIL DIVISION**

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- < The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

< Arbitration is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
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What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice; and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, for information about ADR procedures, or for other questions about ADR?

Contact:

Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

SUSPENSIONS ON COMPLAINT
(CITACION JUDICIAL)NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

THE WALT DISNEY COMPANY, WALT DISNEY STUDIOS, DISNEY PRESS, PIXAR ANIMATION STUDIOS, WALT DISNEY FEATURE ANIMATION, WALT DISNEY PICTURES, DISNEY ENTERPRISES, INC.

AND DOES 1-100
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
DEBORAH J. THOMAS

WDP 7/27/07 9:23 AM

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)(ENDORSED)
FILED

MAY 29 2007

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

Clark Sakai

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):
SUPERIOR COURT OF SANTA CLARA COUNTY
191 N. FIRST STREET
SAN JOSE, CA 95113

CASE NUMBER:
(Número de caso)

107CV086977

CIVIL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Archie S. Robinson, Esq. [SBN 34789]

408/298-7120 408/298-0477

ROBINSON & WOOD, INC.,
227 North First Street
San Jose, CA 95113

Clark Sakai

DATE:
(Fecha)

MAY 29 2007

Clerk, by _____, Deputy
(Secretario) _____, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): WALT DISNEY PICTURES

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

- by personal delivery on (date): 7/27/07

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Archie S. Robinson, Esq. [SBN 34789] ROBINSON & WOOD, INC. 227 North First Street San Jose, CA 95113		CM-010
TELEPHONE NO.: 408/298-7120 FAX NO.: 408/298-0477		FOR COURT USE ONLY
ATTORNEY FOR (Name): DEBORAH J. THOMAS		(ENDORSED)
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. FIRST STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CIVIL		FILED
CASE NAME: THOMAS v. THE WALT DISNEY COMPANY, et al.		MAY 29 2007
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) <input type="checkbox"/> (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

KIRI TORRE
Chief Executive Officer
Superior Court of California, County of Santa Clara
BY _____ DEPUTY

CASE NUMBER: **Clark Sakai**
JUDGE: _____
DEPT: **107GV086977**

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
 Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
 Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
 Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment
 Wrongful termination (36)
 Other employment (15)

Contract
 Breach of contract/warranty (06)
 Collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property
 Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer
 Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review
 Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
 Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
 Enforcement of Judgment (20)

Miscellaneous Civil Complaint
 RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition
 Partnership and corporate governance (21)
 Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses

b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 1

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/29/2007

Archie S. Robinson, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

ATTACHMENT A

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San Jose, CA 95113

CASE NUMBER: _____

107CV086977**READ THIS ENTIRE FORM**

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint, Summons, an Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): You must do each of the following to protect your rights:

1. You must file a written response to the *Complaint*, in the clerk's office of the Court, within 30 days of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: www.sccsuperiorcourt.org/civil/rule1toc.htm
- Rose Printing, 49 N. First St., San Jose (408-293-8177)

For other local information, visit the Court's Self-Service website www.sccselfservice.org and select "Civil."

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC. You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Kevin McKenney DEPT: 16

The first CMC is scheduled as follows: (Completed by Clerk of Court)

Date: OCT - 9 2008 Time: 2:15 PM Dept: 16

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)

Date: _____ Time: _____ Dept: _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2156) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION**

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- < ADR can save time. A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- < ADR can save money. Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- < ADR provides more participation. Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- < ADR provides more control and flexibility. Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- < ADR can reduce stress. ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- < **Mediation** is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.

Mediation may be appropriate when:

- < The parties want a non-adversary procedure
- < The parties have a continuing business or personal relationship
- < Communication problems are interfering with a resolution
- < There is an emotional element involved
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

- < Arbitration is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
- < Only monetary damages are sought
- < Witness testimony, under oath, is desired
- < An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

- < Neutral evaluation is an informal process in which a neutral party (the evaluator) reviews the case with counsel and gives a non-binding assessment of the strengths and weaknesses on each side and the likely outcome. The neutral can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

Neutral evaluation may be appropriate when:

- < The parties are far apart in their view of the law or value of the case
- < The case involves a technical issue in which the evaluator has expertise
- < Case planning assistance would be helpful and would save legal fees and costs
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

- < Special masters and referees are neutral parties who may be appointed by the court to obtain information or to make specific fact findings that may lead to a resolution of a dispute.

Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

- < Settlement conferences are informal processes in which the neutral (a judge or an experienced attorney) meets with the parties or their attorneys, hears the facts of the dispute, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations.

Settlement conferences can be effective when the authority or expertise of the judge or experienced attorney may help the parties reach a resolution.

What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice; and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, for information about ADR procedures, or for other questions about ADR?

Contact:

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ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

1 **PROOF OF SERVICE**

2 I am employed in the County of San Mateo, State of California. I am over the age of
3 eighteen years and not a party to the within action; my business address is 555 Twin Dolphin
Drive, Suite 560, Redwood Shores, California 94065-2139.

4 On August 24, 2007, I caused true copies to be served of the following document(s)
described as:

5 **NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT**

6 on the parties in this action as follows:

7 **SEE ATTACHED LIST**

8 **BY PERSONAL SERVICE:** I caused delivery of such envelope(s) to be hand served to the
9 office of the person(s) being served.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed on August 24, 2007, at Redwood Shores, California.

13 
14 Andrea Pallios Roberts

Deborah J. Thomas v. The Walt Disney Company, et al.
Case No. 107 CV 086977
SERVICE LIST

Archie S. Robinson
Robinson & Wood, Inc.
227 North First Street
San Jose, California 95113
(408) 298-7120

Attorneys for Plaintiff